

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Buinevicius, et al.

Title: SYSTEM FOR AND METHOD OF CAPTURE, ANALYSIS, MANAGEMENT, AND ACCESS OF DISPARATE TYPES AND SOURCES OF MEDIA, BIOMETRIC, AND DATABASE INFORMATION

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Examiner:

In accordance with the Pre-Appeal Brief Conference Pilot Program, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal. In a Final Office Action mailed September 3, 2008, Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 were rejected under 35 U.S.C. § 103(a). The rejection was maintained in an Advisory Action mailed November 19, 2008. For at least the reasons discussed below, Applicant submits that the rejections with respect to Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 are clearly deficient.

**REMARKS/ARGUMENTS**

**Claim Rejections Under 35 U.S.C. § 103(a)**

On page 3 of the Final Office Action, Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 were rejected as being allegedly unpatentable over United States Patent No. 6,947,578 to Lee (hereinafter “Lee”) in view of United States Patent No. 6,340,978 to Mindrum (hereinafter “Mindrum”), and further in view of United States Patent No. 6,111,506 to Yap et al. (hereinafter “Yap”). Applicants traverse the rejection.

**A. Yap does not teach or suggest at least “cross-matching multiple factors of the individual with at least some of the plurality of individuals in the relational database”**

Independent Claim 1 recites, *inter alia*, “**cross-matching** multiple factors of **the individual with at least some of the plurality of individuals** in the relational database to confirm the individual’s identity.” (Emphasis added.) Independent Claims 14 and 21 recite similar elements. On page 7 of the final Office Action, the Examiner referred to col. 8, lines 1-17, and asserted that Yap teaches the above elements. The Examiner reasoned in the Advisory Action that “if the input data and the stored data belong to the same person the step of checking need not to be performed.” Accordingly, the Examiner deduced that Yap *must* cross-match multiple factors of the individual with at least some of the plurality of individuals.

Applicants disagree with the Examiner’s interpretation of Yap. Yap is directed toward an improved security system used in, for example, an airport. The cited portion of Yap reads:

The operation of a preferred embodiment of an improved security system is as follows. *An improved security identification document of a person* or object attempting to gain access to a secured area such as a border, an airport boarding gate or a secured building interfaces with the improved security identification document interface device so that the information stored on the improved security identification document is accessible. At the same time, *biometrics data from the person is input or scanned* by a suitable biometrics recording device such as a camera for scanning a face, retina, ear, etc. or a palm or finger print scanner described above or any other suitable biometrics data input device. Then, *the comparison device* in the interface device compares all of the input data and transmits signals to an indicator to send a message or other signal for *indicating whether the biometrics data input by the person via the biometrics data input device matches the data stored on the improved security identification document.*

(Emphasis added.) Despite the improvement with respect to the security identification document as taught by Yap, the system of Yap still uses the same checking processes as does a conventional airport security system in which: (i) a ticket agent checks the passenger’s name on the ticket against the name on his or her ID; and (ii) the ticket agent then checks the picture on the ID against the passenger’s face to determine whether there is a match. If there is no match, the passenger is simply denied entry or boarding. In the Yap system, there is no need for, nor does Yap disclose, further checking stored data of multiple persons against this passenger. In fact, as is well known in the art, in an airport security system such as that taught by Yap, the ticket agents or security personnel *cannot* legally check stored data of multiple persons against this passenger.

For at least these reasons, Applicants respectfully submit that the rejection of Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 is improper.

**B. Mindrum, Lee, and Yap all teach away from the claimed embodiments**

In the Advisory Action, the Examiner asserted that combining the cited references in the final Office Action is justified because “they are all directed to the same security checking method.” Applicants disagree with the Examiner’s interpretation of these references.

Mindrum is directed toward a “user interface” that displays “information about *an entity*, such as *a person*, a business, a pet, a country, etc.” (Abstract; emphasis added.) With reference to Figure 2, Mindrum discloses a “memory tube 18 in use at a *gravesite*. The memory tube 18, with the information about the deceased individual stored therein, is physically located within the coffin 28.” (Col. 5, lines 31-34). Thus, Mindrum discloses a virtual tombstone of a deceased individual which, contrary to the Examiner’s assertions, clearly is not related to a security checking method.

Further, the Examiner has failed to address Applicants’ arguments that there is no reason, motivation, or suggestion to combine the references *because* the references teach away from the claimed embodiments and because the modification proposed by the Examiner would render the systems in the references unsatisfactory for their intended purposes. For example, as the deceased individual’s identity is already known, this is no reason, motivation, or suggestion to compare the individual’s information with other individuals’ information to confirm the identity of the deceased individual. Further, as the individual is already deceased, there is no reason to update the individual’s information, unlike the case for a live, constantly changing, person. Thus, Mindrum teaches away from the claimed invention. Lee also teaches away from the claimed invention. Lee clearly requires that the plurality of images be captured simultaneously so that the problems “plaguing the separate capture of images is thus avoided.” (Col. 7, lines 66-67). Thus, Lee teaches away from capturing the images at different times. Moreover, Yap also teaches away from the claimed invention. The system of Yap merely attempts to match information stored in a single passenger’s improved security identification document with the information input by the single passenger. Indeed, at places like an airport there is only a need to confirm whether the passenger is the same person as he or she claims to be. There is no need for the ticket agent, nor is the ticket agent permitted by the law, to try to match the passenger’s information with information of a plurality of individuals.

For at least these reasons, Applicants respectfully submit that the rejection of Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 is improper.

**C. Claims 7 and 19**

Claim 7 recites, *inter alia*, “conducting a **user-defined search** among digital information associated with the **plurality of individuals**.” (Emphasis added.) Claim 19 recites similar elements. On page 27 of the final Office Action, the Examiner asserted that col. 6, lines 5-23 of Mindrum teaches the above elements. Applicants disagree with the Examiner’s interpretation. Mindrum teaches a *machine-defined* hierarchical listing of

information, which is not the same as a “user-defined search” as claimed. Indeed, the cited portion of Mindrum reads:

FIG. 5 illustrates a graphical user interface 60 for accessing information about the individual, which can be displayed in a multitude of situations, such as during a funeral, at the cemetery, on-line as a tribute, obituary, or biography, etc. The screen 61 has a variety of selection options for the user to view and access the data. Selection options can take a variety of forms including buttons, mouse selections, keyboard selections, menu items, touch screens, voice commands, and the like. *The screen 61 includes a list of relatives 62 associated with the individual.* Preferably, the list 62 is arranged in a hierarchical display to graphically show the relationship of each relative in the list 62. Each individual on the list 62 *will have a link to a screen associated with that relative.* Preferably, *relatives on the list 62 will be color-coded to indicate whether a screen exists for that relative,* and whether that relative's screen has been visited yet in a particular use session. Preferably, direct relatives, such as the wife 65 and children 66, are showed separate from the other relatives 62.

(Emphasis added.) From the above passage, it is clear that Mindrum teaches a list of relatives of the individual. However, Mindrum merely teaches that the list may be linked to a screen for a user to *select* and *view*. There is nothing showing or suggesting that a user can conduct a “user-defined search” among the relatives as claimed. Indeed, Mindrum is directed to a virtual tomb stone (see, e.g., Fig. 2), where a limited number of relatives are listed (see, e.g., Fig. 5), which is sufficiently simple to navigate through by system-defined links, e.g., through a simple selection using a touch screen. Thus, there is further no reason, motivation or suggestion to use a “user-defined search” in Mindrum.

For at least these reasons, Applicants respectfully submit that the rejection of Claims 7 and 19 is improper.

#### **D. Claims 8 and 20**

Claims 8 and 20 each recite, *inter alia*, conducting “a second search for more results similar to a search result from the user-defined search.” On pages 27-28, the Examiner again relied upon col. 6, lines 5-23 of Mindrum, quoted above, and further relied upon Fig. 14 of Mindrum in the Advisory Action, and asserted that Mindrum teaches these elements. Applicants disagree. The above-quoted portion and, in fact, the whole disclosure, of Mindrum are completely silent with respect to “a second search,” nor is there any reason, motivation, or suggestion to modify Mindrum to arrive at the claimed embodiments. In fact, the Examiner has incorrectly interpreted a further layer of hierarchical *listing* in Mindrum as a “second search.”

For at least these reasons, Applicants respectfully submit that the rejection of Claims 8 and 20 is improper.

**E. Claim 12**

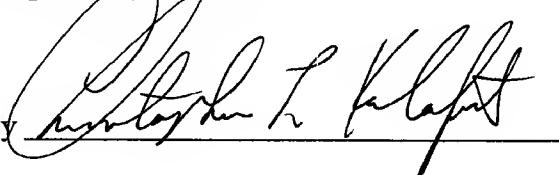
Claim 12 recites, *inter alia*, that “processing the media, biometric, and database information to extract, analyze and sort through digital information associated with the plurality of individuals includes comparing captured media, biometric, and database information of a **first individual with** media, biometric, and database information of **a number of categorized individuals to find a best match.**” (Emphasis added.)

On page 30 of the Office Action, the Examiner asserted that Mindrum teaches these elements because Mindrum discloses “...chronological history and background of a life--complete with pictures, important documents, completed personal information questionnaires, audio and video clips, and other information, col. 3, lines 25-37, See Fig. 15.” However, this assertion failed to address “comparing” information of the individual with information of “a number of categorized individuals to find a best match” as claimed. In the Advisory Action, the Examiner further asserted that Mindrum teaches that a “user could compare recordation associated with a selected date against historical events at that date.” However, this assertion still neglected the claimed element of “comparing ... to find a best match.” As discussed above, the deceased individual’s identity is already known and does not change, and Mindrum merely teaches comparing a selected date with a historical date, and has nothing to do with finding a “best match” between individuals. Indeed, as Mindrum is directed to a virtual tomb stone for *a deceased individual whose identity is already known*, there is no need to compare information of the person with “a number of categorized individuals to find a best match.”

For at least these reasons, Applicants respectfully submit that the rejection of Claim and 12 is improper.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

By 

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